

**ATTACHMENT TO INTERVIEW OF APRIL 06, 2009 SER NO 10/565443**

Attorney Brittany La, Reg No. 58,337, telephoned this Examiner for clarification of the grounds for the Office Action Letter of April 1, 2009 indicating "Failure to Acceptably Respond to Notice of Non-Compliant Amendment" pertaining to Box 4 A and Box E.

Attorney indicated that the response to the first Non-Compliant Amendment of January 30, 2009 indicating Box C and Box E was corrected in accordance with the requirements of Box 2 which recites:

Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. **If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.**

Attorney La indicated that that only correction required were for the claims that had the errors which stated "**previously presented**" which errors were corrected in the April 1, 2009 amendment by removing the statement "previously presented".

This Examiner cannot process the claims until the above application is properly processed into my docket. Attorney will contact the LIE requesting rescinding of the Office Action and placing the application in this Examiner's docket. Applicant would not be required to respond to the Office action of April 1, 2009 if rescinded and placed in my docket.

Art Unit: 1657

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HERBERT J. LILLING whose telephone number is 571-272-0918. The examiner can normally be reached on WORK AT HOME MAXIFLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JON WEBER can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.J.Lilling: HJL  
(571) 272-0918

Art Unit **1657**

April 6, 2009

/HERBERT J LILLING/  
Primary Examiner Art Unit 1657